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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,633	11/26/2003	Robert R. Turvey	J-3557A	7334

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/722,633

Applicant(s)

TURVEY, ROBERT R.

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 1-40 and 73-83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 3632

This is an office action for serial number 10/722,633, entitled Suspension Device For thermoplastic containers, filed on 11/16/03. This office action is a supplemental office action which will restart the time for response. In previous office action mailed on December 14, 2005 the examiner inadvertently omitted claims 63-65 which have been included in this office action.

#### ***Election/Restrictions***

Applicant's election without traverse of Species IV drawn to figures 13-16 in the reply filed on October 14, 2004 is acknowledged.

Claims 1-40 and 73-83 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 14, 2004.

#### ***Specification***

The disclosure is objected to because of the following informalities: page 10, line 1, 100b and 106 are not shown in figures 15 or 16.

Appropriate correction is required.

Art Unit: 3632

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41-47, 49, 50, 52-58, 60, 61, 63-66, and 68-71 are rejected under 35 U.S.C. 102(b) as anticipated by or Burger 2,633,323, in the alternative, under 35 U.S.C. 103(a) as obvious over Iorio 3,527,345. Burger discloses a combination of a suspension device having a main member (51), support members (53), wall members (55), interference members (56), and mounting holes (52), a container (25) with a rim (17). Burger teaches that it is known to provide wall members (55) of a height to receive lids/closures for the container (column 3, lines 64ff). Iorio teaches that it is known to store containers (20) having lids (24) and a suspension device (10). It would have been obvious to provide a lid as taught by Iorio as motivated by Burger for the purpose of sealing the container during storage to prevent the collection of dust.

Art Unit: 3632

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48, 59, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger in view of Porteous 4,844,308. Burger discloses all of the limitations of the claimed invention except for the tab. Porteous teaches that it is known to have a tab on a lid (76). It would have been obvious to one having ordinary skill in the art to have modified Burger to have included the tab as taught by Porteous to the container lid/cap/closure of Burger for the purpose of providing a pull tab for the pulling the cap/lid/closure off of the container or for pulling the lid out of the suspension device within in use.

Claims 51, 62, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger in view of Semon et al. (Semon) 6,056,378. Semon teaches double sided adhesive tape (18). It would have been obvious to one having ordinary skill in the art to have modified Burger to have attached the

Art Unit: 3632

suspension device using double sided adhesive tape as taught by Semon for the purpose of providing a better means of attachment.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The prior art discloses conventional suspension devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

October 12, 2005